



McCandlish Holton
A PROFESSIONAL CORPORATION

TN for Canadians and Mexicans

A number of special procedures apply only to *Canadians* and *Mexicans* under NAFTA. This important treaty, which liberalized trade by creating a North American Common Market, also eliminated many barriers to the transfer of personnel in certain designated jobs

General Rules: NAFTA created a new visa category, the Treaty NAFTA (or “TN Visa”) for Canadian and Mexican citizens seeking temporary entry for business or professional activities. The TN is valid for one year and requires that the TN holder work as an employee or under contract for a U.S. employer. Unlike the H-1B visa (6-year maximum), the TN can be renewed indefinitely. That is, a TN visa is valid for one year, with the potential for unlimited yearly extensions.

TN Procedure: There is *no application form* for TN status, unless the person is already in the United States. Canadians apply for entry under the TN category directly to a *CIS officer at the border* or at the preclearance stations at an international airport in Canada or Mexico. Depending on the port of entry, the approval process should take no more than a couple of hours. Mexicans must apply directly at a U.S. Consulate in Mexico to obtain a TN visa. Applicants are admitted upon proof of citizenship and of qualifications meeting the criteria of the TN visa. Typical documentation includes educational credentials, an offer of employment or contract from a U.S. employer and proof of Canadian or Mexican citizenship.

Special Rules for Canadians:

- § Canadian citizens do not need to carry with them a valid Canadian passport when entering the U.S. Proof of Canadian citizenship is sufficient (i.e., birth certificate). However, a *passport is advisable* to help obtain a U.S. social security card and driver’s license after arriving in the U.S.
- § In addition, Canadian citizens do not need to obtain a visa from the U.S. Consulate to enter the U.S.

Typical TN Occupations: Some of the more common occupations on NAFTA's list of TN occupations are: architect, computer systems analyst, librarian, dentist, physical therapist, medical technologist, scientific technician, statistician, registered nurse, veterinarian, horticulturist, teacher and social worker. The following are additional university-related positions eligible for TN:

College or University	Biologist	Pharmacologist
Teacher	Chemist	Physicist
Research Associate (University)	Dairy Scientist	Plant Breeder
Librarian	Entomologist	Poultry Scientist
Medical Laboratory Technologist	Epidemiologist	Scientific Technician/Technologist
Veterinarian	Geneticist	Soil Scientist
Animal Scientist	Geochemist	Zoologist
Biochemist	Geologist	
	Geophysicist	
	Meteorologist	

STRATEGY TIP: *A very useful TN occupation is management consultant. This occupation does not require a college degree if the applicant can demonstrate equivalent professional experience, as shown by five years experience as a management consultant or five years experience in a field of specialty related to the consulting agreement. Other important categories are Computer Systems Analyst and Scientific Technician/Technologist.*

MORE STRATEGY TIPS: *Circumstances where an applicant may wish to obtain a TN instead of an H-1B are:*

- § *If the applicant is currently on an H-1B which is due to expire, since CIS regulations allow an H-1B visa holder to change to a TN without the one-year departure from the United States normally required with an expired H-1B.*
- § *No more H-1B visas are available for a given fiscal year. (NOTE: Universities are exempt from the H-1B cap).*
- § *Ease of entry, since TN can be obtained in one day.*

Special TN Rules for Canadians and Mexicans:

- § For nearly all TN professional occupations (other than computer systems analyst and management consultant), **experience cannot be substituted for education** in meeting the TN educational requirements.
- § Some occupations, such as architect, lawyer, and physician, may also **include licensing requirements**.
- § The **spouse and children** of the TN receive TD status and cannot work under that category in the U.S.
- § **Canadian Landed Immigrants** are not eligible for the benefits of TN status.